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RMEC PJ15E-3043

Div of Waste Management
and Radiation Control

January 23, 2017

JAN 23 2017

Scott. T. Anderson
Director
Division of Waste Management and Radiation Control
195 North 1950 West
P.O. Box 144880
Salt Lake City, UT 84114-4880

DSHW-2017-000566

SUBJECT: SITE MANAGEMENT PLAN

RE: Weber Valley Multi-use Youth Center Site
707 West 12th Street
Ogden, Utah

Dear Mr. Anderson:

On behalf of the Utah Division of Facility Construction and Management, RMEC Environmental, Inc. (RMEC) is hereby providing the Division of Waste Management and Radiation Control with the Site Management Plan (SMP) for the above-referenced site.

The attached SMP includes the Environmental Covenants. Drafts of both documents have been submitted to and reviewed by Dr. Eric Baiden. All requested revisions have been incorporated into these drafts and the documents are now ready for the 30-day public comment period.

Please get back to me with any questions, comments, or concerns.

Sincerely,

Daryl Hancock, CHMM, CEM
Senior Project Manager/Vice President
RMEC Environmental, Inc.

Cc: Matthias Mueller/DFCM



DSHW-2017-000566

**Site Management Plan
Weber Valley Multi-Use Youth Center Site
at Approximately 717 West 12th Street
Ogden, Utah**

RMEC PJ15E-3043

January 23, 2017

Prepared for:

Utah Department of Administrative Services
Division of Facilities Construction and Management
State Office Building, Room 4110
Salt Lake City, UT 84114



DOCUMENT CONTROL

SITE MANAGEMENT PLAN

WEBER VALLEY MULTI-USE YOUTH CENTER PROPERTY

PROJECT NUMBER:

PJ15E-3043

PREPARED FOR:

Utah Department of Administrative Services
Division of Facilities & Construction Mgmt.
4110 State Office Building
Salt Lake City, Utah 84114

PREPARED BY:

RMEC Environmental, Inc.
785 North 400 West
Salt Lake City, Utah 84103

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AUTHOR(S):

Daryl Hancock, CHMM, CEM
Sr. Project Manager

REVIEWER(S):

Frank DeRosso, MSPH, CIH
Principle Scientist

Signature

23 January 2017

Date

Signature

23 January 2017

Date

REVISION HISTORY:

Revision No.	Date Issued	Reason/Comments:
00	January 23, 2017	Initial Issue



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1.0 INTRODUCTION AND BACKGROUND INFORMATION

This Site Management Plan (SMP) has been prepared on behalf of the State of Utah Division of Facilities and Construction Management (DFCM) and describes site management actions for the Weber Valley Multi-Use Youth Center facility, which is located at 717 West 12th Street in Ogden, Utah. This SMP has been prepared in accordance with the requirements of Utah Administrative Code Rule (UAC R) 315-101 "Cleanup Action and Risk-Based Closure Standards." This rule establishes requirements to support risk-based cleanup and closure at sites where constituents will remain in soil or groundwater above background levels.

The site management actions detailed in this SMP are designed to control exposure to chemical constituents associated with waste asphalt materials that are present in fill materials beneath the western portions of the youth center property.

1.1 Site Description

The proposed youth center will be located on a 7.5-acre property and will include a 63,000 square foot building and associated facilities for the care and rehabilitation of delinquent youths. The site development will include administrative and staff offices, classrooms, a gymnasium, kitchen, medical/nursing space, visitation rooms, bedrooms, and a recreational yard along with short-term juvenile detention housing.

A plat map for the youth center property is attached. The Weber County parcel number for this property is: 12-261-0001. The legal description for the property is as follows:

ALL OF LOT 1, DETENTION CENTER SUBDIVISION, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF. TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS OVER AND ACROSS THE 60 FOOT EASEMENT ALONG THE WEST SIDE OF LOT 2 OF DETENTION CENTER SUBDIVISION, AS IS DISCLOSED ON THE RECORDED DEDICATION PLAT RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER ON JULY 16, 2015 AS ENTRY NUMBER 2747868.

1.2 Site Background Summary

A Phase I Environmental Site Assessment (ESA) dated June 16, 2015, was completed by Terracon Consultants, Inc. (Terracon) and concluded that fill materials were imported onto the western portion of the site at some point in the 1960's or 1970's. In response to this finding, a Limited Site Investigation (LSI), dated October 21, 2015, was completed by Terracon, and additional testing of the fill materials on the western portion of the site was conducted by RMEC in December of 2015.

During RMEC's testing of the site, intermittent layers of asphalt rubble and inert construction debris were discovered throughout the fill materials on the western portion property. Testing of fill materials by RMEC and in the Terracon LSI identified concentrations of the following polycyclic aromatic hydrocarbons (PAHs): anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, chrysene, fluoranthene, and pyrene. Groundwater monitoring was conducted and no groundwater impacts were identified.

Extensive environmental studies have been performed on asphalt paving products and all of the identified PAHs are known to be indigenous to asphalt. RMEC's initial report on the site, dated January 12, 2016, provided an evaluation of all environmental data collected from the imported fill materials. The report



concluded that the PAHs detected at the site are due to the presence of asphalt. In response to these findings, the DFCM requested approval from the Division of Waste Management and Radiation Control (DWMRC) to allow asphalt and construction debris in the fill materials to remain in place on the western portion of the site. An initial request, dated January 19, 2016, was to allow fill materials remain in the undeveloped areas outside of the footprint of the building, paved areas, and recreation yard; however, due to architectural design changes, a second request was submitted dated March 7, 2016. The second request sought approval from DWMRC to extend the areas of fill materials to be left in place to include the recreation yard and paved areas of the site in addition to the undeveloped areas. In these requests, the DFCM stipulated that the fill materials in the footprint of the building shall be removed and disposed of at the Weber County C&D landfill and confirmation samples for PAHs should be collected from the building footprint. Confirmation samples were collected on October 24, 2016. The results from the confirmation sampling confirmed that asphalt-bearing fill materials have been and residual levels of PAHs beneath the footprint of the building are within the acceptable land use limits. As an added precaution, the remainder of the imported fill materials at the site will be capped with paving or a minimum of 6-inches of clean fill materials or topsoil to prevent contact by site users and workers.

Due to the potential sensitive nature of its use, the DWMRC requested that a risk evaluation be performed on the recreation yard before an approval to leave fill materials in place would be granted for the recreation yard. RMEC issued an updated report on the site, dated May 2, 2016, which included a risk assessment evaluation performed by Steven L. Glaser. The updated report concluded that leaving asphalt and construction debris in place under the recreation yard would not present a future risk to human health or the environment. In a letter dated June 3, 2016, the DWMRC approved the DFCM's request to leave asphalt and construction debris in place in all areas of the site outside of the footprint of the building, including the recreation yard.

2.0 SUMMARY OF ENVIRONMENTAL CONDITIONS

Asphalt paving rubble along with finely graded asphalt materials are present in varying amounts in the fill materials on the western portion of the site. The finely graded asphalt materials appeared to be from the erosion of the asphalt rubble. The highest density and volume of asphalt-bearing fill is at the north end of the site, where up to 5 feet of asphalt rubble is present at some locations. The middle section of the site has alternating layers of asphalt and asphalt-free road base and other fill materials, while the southern end of the site, where the recreation yard will be situated, has asphalt sparsely or intermittently present. At many locations, particularly towards the southern end of the site, concrete, wood, rebar, wires, bricks, piping and other inert construction debris are also present.

Disposal of asphalt is regulated under the Utah Solid Waste Regulations section R315-315-9, which states:

R315-315-9. Waste Asphalt

(1) The preferred management of waste asphalt is recycling. Recycling of waste asphalt occurs when it is used:

- (a) as a feedstock in the manufacture of new hot or cold mix asphalt;*
- (b) as underlayment in road construction;*
- (c) as subgrade in road construction when the asphalt is above the historical high level of ground water;*
- (d) under parking lots when the asphalt is above the historical high level of ground water; or*
- (e) as road shoulder when the use meets engineering requirements.*



(2) If waste asphalt is disposed, it shall be disposed in a permitted landfill.

While the presence of asphalt in the fill materials at the site is not in compliance with the R315-315-9 rule, it appears to have been placed at the property in the 1960's or 1970's, prior to Utah implementation of the asphalt special waste rules.

As previously mentioned, the PAHs detected at the site are known to be indigenous to asphalt. With the exception of one sample, all of the PAHs found at the site were below the most restrictive residential RSLs using a cancer risk of 1×10^{-6} and a hazard index of 1 for non-carcinogenic risks. One sample, identified as location TP-6 on the attached Sample Location Map, was found to have benzo(a)anthracene, benzo(b)fluoranthene, and benzo(a)pyrene at concentrations that exceeded the residential RSLs, but were below the industrial RSLs. It is anticipated that the facility would only have juvenile detention for less than a 30-day period and exposures at the site would be more typical of a commercial and/or industrial site. As such, the residential RSLs would not apply and the less restrictive industrial RSLs are appropriate. Given that the levels are below the industrial RSLs and this area will be capped, the levels at TP-6 will not present a future risk to Youth Center detainees and workers.

Another area of concern for the future use of the site is the recreation yard. This is due to the activities that will be carried out on this portion of the site. The risk screening analysis in RMEC's May 2nd report concluded the following with regard to the recreation yard:

1. PAHs detected at the site are derived from asphalt.
2. Asphalt at the site is least abundant in the recreation yard.
3. PAHs were not detected in the recreation yard.

3.0 SITE MANAGEMENT

While there are no significant human health or environmental risks based on the planned future use of the site as a Youth Center facility, the concentration of benzo(a)anthracene, benzo(b)fluoranthene, and benzo(a)pyrene associated with waste asphalt at location TP-6 exceeded the residential RSLs. As such, the site does not qualify for unrestricted use. Site management for this property will be to ensure that there are no changes in the future use of the site that would have a greater level of risk than proposed youth center facility. Site management will, therefore, consist of the following institutional control:

3.1 Land Use Restriction

The site located in an area zoned for commercial/industrial land use and precludes residential land use. Additional land use restrictions will be imposed to prevent residential development and to ensure that the property is used solely for appropriate commercial and industrial uses in the future. This use limitation does not include the temporary institutional housing of inmates or detainees. This restriction will be imposed and enforced through the attached environmental covenant, which will be recorded with the Weber County Recorder's office.

4.0 PROPERTY ACCESS

Upon request by DWMRC, the Property Owner shall provide the DWMRC representatives with access at reasonable times to the property for the purpose of monitoring compliance with this SMP. These individuals shall conduct themselves in a safe and prudent manner in accordance with the health and safety standards and with any additional protocols as required by the facility operator.



5.0 REFERENCES

- RMEC Environmental, Inc., 2016. Testing and Assessment of Imported Fill Materials (Update of January 2016 report), Proposed Weber Valley Multi-Use Youth Center Site, at Approximately 707 West 12th Street, Ogden, Utah (May 2016)
- RMEC Environmental, Inc., 2016. Letter to Allan Moore, Utah Division of Waste Management and Radiation Control., Re: Request For Relief From Asphalt Waste Rules, Proposed Weber Valley Multi-Use Youth Center Site (January 19, 2016)
- RMEC Environmental, Inc., 2016. Letter to Allan Moore, DWMRC, Re: Modified Request For Relief From Asphalt Waste Rules, Proposed Weber Valley Multi-Use Youth Center Site (March 7, 2016)
- Terracon Consultants, Inc., 2015. Phase I Environmental Site Assessment, 7.5-acre Vacant Lot, 701 West 12th Street, Ogden, Weber County, Utah (June 2015)
- Terracon Consultants, Inc., 2015. Limited Site Investigation, Proposed Weber Valley Multi-Use Youth Center, Undeveloped Land, 701 West 12th Street, Ogden, Weber County, Utah (October 2015)
- Utah Division of Waste Management and Radiation Control. Letter to Utah Division of Facilities Construction and Management, Re: Weber Valley Multi-Use Youth Center Site, Residual Waste (February 24, 2016)
- Utah Division of Waste Management and Radiation Control. Letter to Utah Division of Facilities Construction and Management, Re: Weber Valley Multi-Use Youth Center Site, Residual Waste (April 11, 2016)
- Utah Division of Waste Management and Radiation Control. Letter to Utah Division of Facilities Construction and Management, Re: Weber Valley Multi-Use Youth Center Site, Residual Waste (June 3, 2016)

**WEBER COUNTY RECORDERS PLAT MAP AND PROPERTY
LEGAL DESCRIPTION**

Property Legal Description according to the Weber County Recorder's Office Website is as follows:

ALL OF LOT 1, DETENTION CENTER SUBDIVISION, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF. TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS OVER AND ACROSS THE 60 FOOT EASEMENT ALONG THE WEST SIDE OF LOT 2 OF DETENTION CENTER SUBDIVISION, AS IS DISCLOSED ON THE RECORDED DEDICATION PLAT RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER ON JULY 16, 2015 AS ENTRY NUMBER 2747868.

PART OF THE E 1/2, OF SECTION 19, T 6 N, R 1 W, S 1 B & M

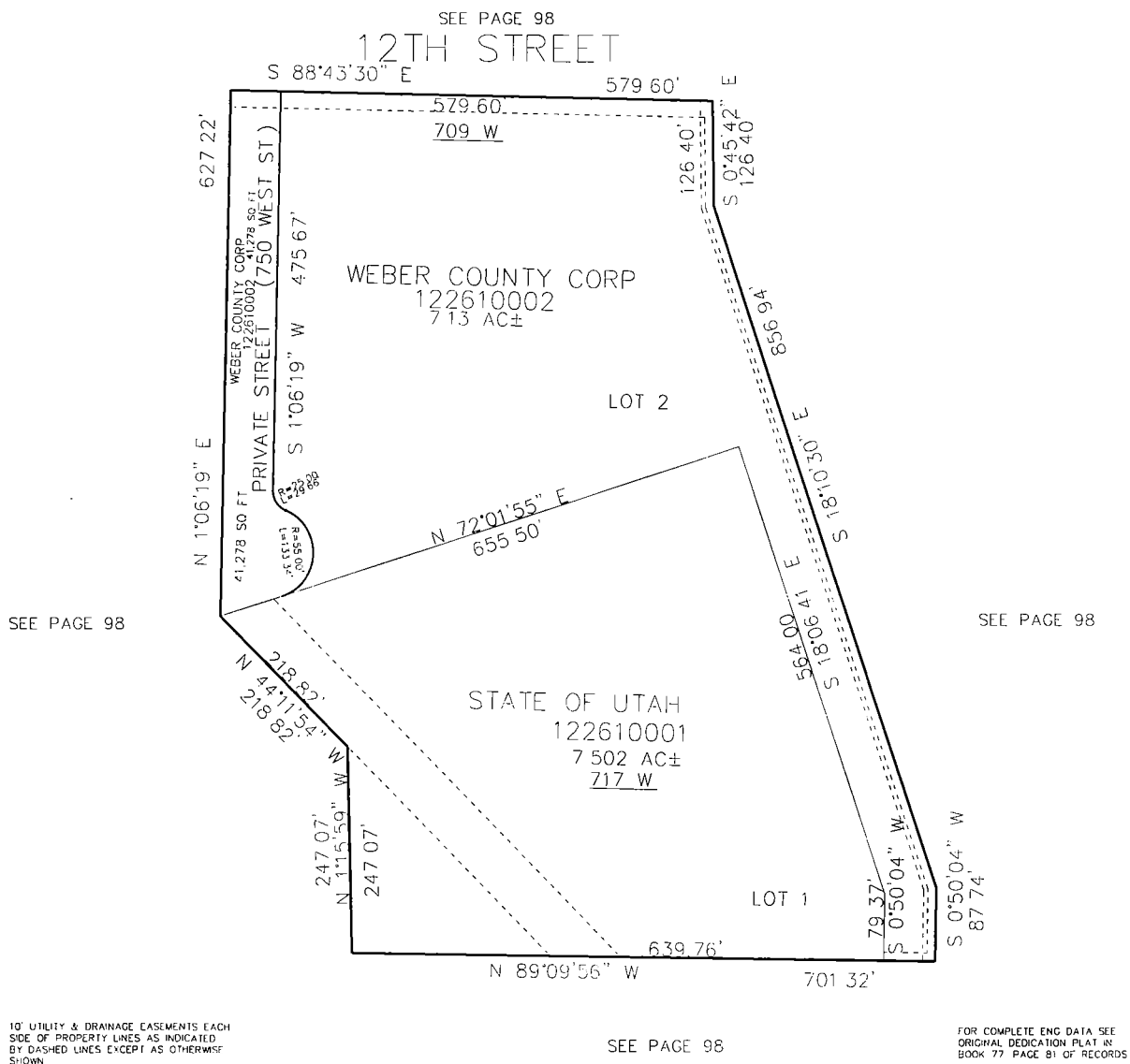
DETENTION CENTER SUBDIVISION

IN WEBER COUNTY

SCALE 1" = 100'

TAXING UNIT 25

261



SAMPLE LOCATION MAP



PREPARED FOR:
 UTAH DFCM
 RMEC Project #PJ15E-3043

SITE DIAGRAM WITH SAMPLE LOCATIONS

Approximately 707 WEST 12TH STREET
 OGDEN, UT

Not to Scale



ENVIRONMENTAL COVENANT

**To be recorded with County
Recorder – Utah Code Ann § 57-25-108**

When Recorded Return To:
State of Utah
State Office Building
Suite 4110
Salt Lake City, UT 84114

With Copy To:
Scott T. Anderson, Director
Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, UT 84114-4880

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is entered into by the *State of Utah* ("Owner") and the Director-Division of Waste Management and Radiation Control, pursuant to Utah Code Ann. §§ 57-25-101 et seq. for the purpose of subjecting the Property described in paragraph 8, below, to the activity and use limitations set forth herein.

Site History

2. Approximately 5-8 feet of non-native fill materials were identified on the western portion of the property during a Phase I Environmental Site Assessment of the property in June of 2015. Follow-up testing of fill materials on the western portion of the site identified the presence of the polycyclic aromatic hydrocarbons (PAHs): anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, chrysene, fluoranthene, and pyrene. All of these compounds are indigenous to asphalt and testing and visual inspection of fill materials confirmed that the PAHs detected at the site are due to the presence of old, degraded asphalt in the fill materials.

3. The environmental response project is referred to as the Weber Valley Multi-Use Youth Center site, located at 1717 West 12th Street, Ogden, Utah. The project administrative records are maintained and managed by the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control.

4. Multiple investigations were conducted to delineate the extent of soil and groundwater contamination at the site. An updated Report on the Investigation of Imported Fill Materials was submitted to DWMRC on May 2, 2016. This report summarized data from past investigations of the site and described the nature and extent of the PAH in the fill materials on the western portion of the property.

5. No groundwater impacts were identified at the Property and, with the exception of one location, all soil values for PAH compounds were below the residential Risk-based Screening Levels (RSLs) using a cancer risk of 1×10^{-6} and a hazard index of 1 for non-carcinogenic risks. While there are no significant human health or environmental risks based on the planned future use of the site, the concentration of benzo(a)anthracene, benzo(b)fluoranthene, and benzo(a)pyrene associated with waste asphalt at one location exceeded the residential RSLs. As such, the site does not qualify for unrestricted use. Site management for this property will be to ensure that there are no changes in the future use of the site that would have a greater level of risk than proposed youth center facility. DWMRC approved the report and its findings in a letter dated June 3, 2016.

6. Copies of all reports and other documents relating to the investigation and this Environmental Covenant are on file and may be reviewed at the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control office located at 168 North 1950 West, Salt Lake City, Utah.

AGREEMENT

7. Now therefore, Owner and the Director agree to the following:

8. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to Utah Code Ann. §§ 57-25-101 et seq..

9. Property. This Environmental Covenant concerns a 7.5 acre tract of real property, tax parcel numbered 12-261-0001, owned by The State of Utah and located at 717 West 12th Street, Ogden, in Weber County, Utah, and more particularly described in Exhibit A attached hereto and hereby incorporated by reference herein ("Property").

10. Owner. The State of Utah ("Owner") at State Office Building, Suite 4110, Salt Lake City, Utah 84114 is the owner of the Property.

11. Holder. Owner, whose address is listed above, is the holder of this Environmental Covenant.

12. Activity and Use Limitations. As part of the *[Site Management Plan]*, Owner hereby imposes and agrees to comply with the following activity and use limitations:

A. The "property described below" OR "the property" shall not be used for residential development without the permission of the Director of the Utah Division of

Waste Management and Radiation Control. This limitation does not include the temporary housing of inmates or detainees.

13. Running with the Land. This Environmental Covenant shall be binding upon the Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to Utah Code Ann. § 57-25-105, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

14. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to Utah Code Ann. § 57-25-111. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director from exercising any authority under applicable law.

15. Rights of Access. Owner hereby grants to the Director, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant.

16. Compliance Reporting. Owners or any Transferee shall submit to the Director written documentation verifying that the activity and use limitations remain in place and are being complied with upon reasonable request from the Director.

17. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED_____, 20____, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE _____COUNTY RECORDER ON _____, 20____, IN BOOK____, PAGE _____. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: The "property" described below OR "the property" shall not be used for residential development without the permission of the Director of the Utah Division of Waste Management and Radiation Control. This use limitation does not include the temporary institutional housing of inmates or detainees.

18. Owner shall notify the Director within ten (10) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and an unsurveyed plat that shows the boundaries of the property being transferred.

19. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

- A. that the Owner is the sole owner of the Property;
- B. that the Owner holds fee simple title to the Property which is free, clear and unencumbered;
- C. that the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;
- D. that the Owner has identified all other persons that own an interest in or hold an encumbrance on the Property and notified such persons of the Owner's intention to enter into this Environmental Covenant; and
- E. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

20. Amendment or Termination. This Environmental Covenant may be amended or terminated by written consent of all of the following: the Owner or a Transferee; and the Director,¹ pursuant to Utah Code Ann. § 57-25-110 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

¹ See Utah Code Ann § 57-35-104 (2) (e), which allow for "limitations on amendment or termination."

21. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
22. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Utah.
23. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Weber County Recorder's Office.
24. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a document of record for the Property with the Weber County Recorder.
25. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: the Director; the City of Ogden; Weber County; the State of Utah Division of Juvenile Justice Services and the individual that signed this document on the State of Utah's behalf.
26. Notice. Unless otherwise notified in writing by or on behalf of the current owner or the Director, any document or communication required by this Environmental Covenant shall be submitted to:

Mr. Scott T. Anderson, Director
Utah Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, Utah 84114-4880

The undersigned representative of the Owner represents and certifies that they are authorized to execute this Environmental Covenant.

IT IS SO AGREED:

State of Utah

Utah Division of Waste Management and Radiation Control

Scott T. Anderson, Director

Date

State of Utah)
)
County of Salt Lake) ss:

Before me, a notary public, in and for said county and state, personally appeared Scott T. Anderson, Director of the Utah Division of Waste Management and Radiation Control, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this ____ day of _____, 20__.

Notary Public

[NAME OF HOLDER]

Signature of Holder

Printed Name and Title

Date

State of _____)
)
County of _____) ss:

Before me, a notary public, in and for said county and state, personally appeared

_____, a duly authorized representative of _____, who acknowledged to me that *[he/she]* did execute the foregoing instrument on behalf of _____.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this ____ day of _____, 20__.

Notary Public

This instrument prepared by:

RMEC Environmental, Inc.
785 North 400 West
Salt Lake City, Utah

**EXHIBIT A –
WEBER COUNTY RECORDERS PLAT MAP AND PROPERTY
LEGAL DESCRIPTION**

ALL OF LOT 1, DETENTION CENTER SUBDIVISION, WEBER COUNTY,UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF. TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS OVER AND ACROSS THE 60 FOOT EASEMENT ALONG THE WEST SIDE OF LOT 2 OF DETENTION CENTER SUBDIVISION, AS IS DISCLOSED ON THE RECORDEDDEDICATION PLAT RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER ON JULY 16, 2015 AS ENTRY NUMBER 2747868.

DETENTION CENTER SUBDIVISION

IN WEBER COUNTY

SCALE 1" = 100'

TAXING UNIT 25

